

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR
 SYSTEMS INC. and ABBOTT
 LABORATORIES INC.,

Plaintiffs,

v.

MEDTRONIC VASCULAR, INC. and
 MEDTRONIC USA, INC.,

Defendants.

Civil Action No. 98-80 (SLR)
 (Consolidated with C.A. No. 98-314
 (SLR) and C.A. No. 98-316 (SLR))

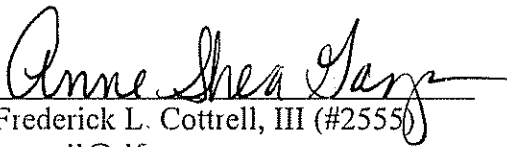
ACS'S SUPPLEMENTAL SUBMISSION

Pursuant to Local Rule 7.1.2(b), Abbott Cardiovascular Systems Inc. and Abbott Laboratories Inc. (collectively "Abbott") attached hereto is a copy of *Acumed LLC v. Stryker Corporation*, No. 04-CV-513-BR (D. Or. Nov. 20, 2007), as additional authority pertinent to Abbott's motion for a permanent injunction (D.I. 725). In *Acumed*, the district court granted a permanent injunction against an infringing medical device, finding irreparable harm based on loss of market share even though the patentee had licensed its patent in connection with a settlement agreement (slip op. at 13), and holding that the injunction would not harm the public interest where, instead of objective evidence, the infringer relied on declarations and testimony by physician experts to support the argument that its infringing product was safer than the patentee's product (slip op. at 17).

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Dated: November 27, 2007



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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

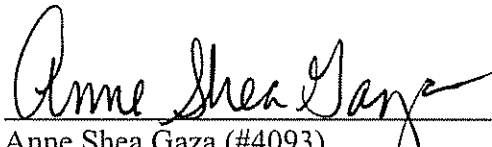
I hereby certify that on November 27, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on November 27, 2007, I have sent by Federal Express the foregoing document to the following non-registered participants:

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